

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

ROBERTO DURAND,

Plaintiff

v.

M. CLAY,

Defendant

Case No. 3:22-cv-00060-ART-CSD

ORDER**I. DISCUSSION**

On February 7, 2022, this Court ordered Plaintiff to file a fully complete application to proceed *in forma pauperis* ("IFP application") or pay the full \$402 filing fee for a civil action on or before April 8, 2022. (ECF No. 3). Plaintiff filed a total of four incomplete IFP applications on February 14, 2022, March 1 and 28, 2022, and April 12, 2022. (ECF Nos. 4, 5, 6, 7). None of these applications contained an inmate account statement for the previous six-month period. (See *id.*) Because it appears that an extension of the initial deadline and another court order are meaningful alternatives to dismissal here, the Court will grant Plaintiff **one final opportunity** to submit an inmate account statement for the previous six-month period to the Court on or before **May 13, 2022**. See *Henderson v. Duncan*, 779 F.2d 1421, 1424 (9th Cir. 1986) (providing that "district court need not exhaust every sanction short of dismissal before finally dismissing a case but must explore possible and meaningful alternatives").

The Court further notes that the financial certificates in Plaintiff's last three incomplete IFPs suggest that Plaintiff does not qualify for *in forma pauperis* status and has the money to pay the \$402 filing fee in full. Instead of submitting IFP documents, Plaintiff may alternatively choose to pay the Clerk of the Court the \$402 filing fee for this civil action.

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2 **II. CONCLUSION**

3 For the foregoing reasons, IT IS ORDERED that the IFP applications (ECF Nos.
4 4, 5, 6, 7) are denied without prejudice as incomplete.

5 IT IS FURTHER ORDERED that the Clerk of the Court will send Plaintiff the
6 approved IFP application by an inmate, as well as the document entitled information and
7 instructions for filing an *in forma pauperis* application.

8 IT IS FURTHER ORDERED that on or before **May 13, 2022**, Plaintiff shall either:
9 (1) file a fully complete IFP application, on the correct form with complete financial
10 attachments in compliance with 28 U.S.C. § 1915(a); or (2) pay the full \$402 fee for filing
11 a civil action (which includes the \$350 filing fee and the \$52 administrative fee).

12 IT IS FURTHER ORDERED that, if Plaintiff does not timely comply with this order,
13 this case will be subject to dismissal without prejudice for Plaintiff to refile the case with
14 the Court, under a new case number, when Plaintiff is able to submit a fully complete
15 application to proceed *in forma pauperis* or pay the full \$402 filing fee for a civil action.

16 DATED: April 14, 2022

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UNITED STATES MAGISTRATE JUDGE